

FILED
12 APR 18 PM 4:44
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: *PM*
DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 12cv0338-WQH (BLM)
)	
Plaintiff,)	JUDGMENT
)	OF FORFEITURE
v.)	
)	
MISCELLANEOUS COMPONENTS)	
OF INDOOR PLANT CULTIVATION)	
EQUIPMENT,)	
)	
WHIRLWIND COTTON)	
CANDY MACHINE,)	
)	
Defendants.)	

Having reviewed the foregoing Joint Motion and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED and DECREED:

The Joint Motion is approved.

1. The parties have entered into this joint motion in order to resolve the matter of the seizure and forfeiture of the above-referenced defendants, Miscellaneous Components of Indoor Plant Cultivation Equipment and one Whirlwind Cotton Candy Machine ("Defendant Properties").

2. The parties have agreed to a settlement which is hereinafter described in its particulars:

//

//

//

AS TO COUNT 1

Miscellaneous Components of Indoor Plant Cultivation Equipment

3. The Miscellaneous Components of Indoor Plant Cultivation Equipment, shall be forfeited and condemned to the United States pursuant to Title 21, United States Code, Section 881, and disposed of according to law.

AS TO COUNT 2

Whirlwind Cotton Candy Machine

4. This federal civil forfeiture case against the defendant Whirlwind Cotton Candy Machine shall be dismissed under the terms of this joint motion. The parties have agreed that the Whirlwind Cotton Candy Machine shall be held as evidence by the Drug Enforcement Administration in connection with the state court prosecution in case SCD236658. At the conclusion of the state court prosecution in case SCD236658, the state superior court judge assigned to handle that case will make a determination concerning the disposition of the Whirlwind Cotton Candy Machine.

GENERAL PROVISIONS AS TO BOTH COUNTS 1 AND 2

5. The terms of this settlement do not affect the tax obligations, fines, penalties, or any other monetary obligations the Claimants owe to the United States.

6. The person or persons who made the seizure or the prosecutor shall not be liable to suit or judgment on account of such seizure in accordance with Title 28, United States Code, Section 2465. The Claimants have agreed that by entering into this joint motion, they have not "substantially prevailed" within the meaning of 28 U.S.C. § 2465. All parties shall bear their own costs and expenses, including attorney fees. Judgment shall be entered in favor of the United States on its complaint.

7. Claimants have warranted and represented as a material fact that they are the sole owners of the Defendant Properties and have further warranted that no other person or entity has any right, claim or interest in the Defendant Properties, and that they will defend and indemnify the United States against any and all claims made against it on account of the seizure and forfeiture of


1 the Defendant Properties and the forfeiture of the Miscellaneous Components of Indoor Plant
2 Cultivation Equipment.

3 6. The Claimants, their agents, employees, or assigns, shall hold and save harmless the
4 United States of America, its agents and employees, from any and all claims which might result
5 from the seizure of the Defendant Properties.

6 This case is hereby ordered closed. Let judgment be entered accordingly.

7
8 DATED:

9 4/17/12

10 
11 Honorable William Q. Hayes
12 United States District Court
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28